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(Original Signature of Member)

111TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend title 49, United States Code, to require the Secretary of Transportation to promulgate rules requiring that motor vehicles of model year 2012 or later be equipped with event data recorders compatible with a universal data retrieval method and that the data in event data recorders on motor vehicles prior to model year 2012 be readable by the National Highway Traffic Safety Administration, and for other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

Ms. SPEIER introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_  
\_\_\_\_\_

**A BILL**

To amend title 49, United States Code, to require the Secretary of Transportation to promulgate rules requiring that motor vehicles of model year 2012 or later be equipped with event data recorders compatible with a universal data retrieval method and that the data in event data recorders on motor vehicles prior to model year 2012 be readable by the National Highway Traffic Safety Administration, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1   **SECTION 1. SHORT TITLE.**

2           This Act may be cited as the “Consumer Auto Safety  
3   Enhancement Act of 2010”.

4   **SEC. 2. FINDINGS.**

5           Congress finds the following:

6           (1) Event data recorders offer important bene-  
7           fits for motor vehicle safety, such as enabling auto-  
8           matic crash notification systems for improved emer-  
9           gency responses to crashes, increasing understanding  
10          of vehicle crashworthiness and safe highway design,  
11          and providing greater insight into trends in motor  
12          vehicle defects.

13          (2) More than 38,000 people die each year on  
14          roads in the United States, and such fatalities could  
15          be reduced by taking full advantage of the benefits  
16          of event data recorders.

17          (3) According to the event data recorder work-  
18          ing group of the National Highway Traffic Safety  
19          Administration, the degree to which the benefits of  
20          event data recorders are realized is directly propor-  
21          tional to the number of motor vehicles equipped with  
22          such recorders.

23          (4) Requiring the inclusion of event data re-  
24          corders in new motor vehicles would produce valu-  
25          able safety benefits that would far outweigh the  
26          nominal financial burden on manufacturers.

1           (5) The National Transportation Safety Board  
2       has recommended that event data recorders be in-  
3       stalled on light passenger vehicles and on  
4       schoolbuses and motorcoaches.

5   **SEC. 3. EVENT DATA RECORDERS.**

6       (a) IN GENERAL.—Subchapter II of chapter 301 of  
7   part A of subtitle VI of title 49, United States Code, is  
8   amended by adding at the end the following new sections:  
9   **“§ 30129. Event data recorders required for model**  
10           **year 2012 or later**

11       “(a) IN GENERAL.—Not later than 1 year after the  
12   date of the enactment of this section, the Secretary of  
13   Transportation shall promulgate a rule that—

14           “(1) requires each motor vehicle manufacturer  
15       to equip each motor vehicle of model year 2012 or  
16       later manufactured by such manufacturer, regard-  
17       less of the gross vehicle weight rating of the motor  
18       vehicle, with an event data recorder that meets the  
19       specifications set forth in subsection (b); and

20           “(2) establishes the uniform data retrieval  
21       method described in subsection (c).

22       “(b) SPECIFICATIONS OF EVENT DATA RE-  
23   CORDER.—

1           “(1) SURVIVABILITY.—The event data recorder  
2       required under subsection (a)(1) shall be capable  
3       of—

4           “(A) sustaining without a loss of data—

5               “(i) a crash that results in a fire in  
6               which the motor vehicle reaches a max-  
7               imum temperature to be determined by the  
8               Secretary for a maximum period of time to  
9               be determined by the Secretary; and

10              “(ii) a crash that results in the motor  
11              vehicle becoming immersed in not greater  
12              than 10 feet of water; and

13           “(B) sustaining without a loss of data or  
14       function—

15              “(i) a frontal barrier crash test at not  
16              less than 65 miles per hour;

17              “(ii) the rear moving barrier crash  
18              test described in S6.2 of Federal Motor  
19              Vehicle Safety Standard 301 (49 C.F.R.  
20              571.301) that is applicable to the motor  
21              vehicle on which the event data recorder is  
22              installed; and

23              “(iii) a side barrier crash test to be  
24              determined by the Secretary.

1           “(2) DATA ELEMENTS.—The event data re-  
2           corder required under subsection (a)(1) shall record  
3           the following data elements:

4                   “(A) Yaw data.

5                   “(B) Safety belt status by seating location,  
6           number of occupants, and location in the vehi-  
7           cle.

8                   “(C) Data regarding vehicle speed, engine  
9           rotations per minute, change in acceleration,  
10          and control signal status for the braking, accel-  
11          eration, and steering systems.

12                  “(D) Driver and front passenger airbag  
13          deployment level, deactivation status, deploy-  
14          ment time, and deployment stage.

15                  “(E) Rollover data.

16                  “(F) Data regarding the operation of the  
17          antilock brake system, the traction control sys-  
18          tem, and the electronic stability control system,  
19          including the roll stability control system.

20                  “(G) A stamp including the motor vehicle’s  
21          vehicle identification number and the date,  
22          time, and odometer reading corresponding to  
23          each event collected.

24                  “(H) Tire pressure.

1           “(I) All other data elements listed in the  
2           left-hand column of table I or the left-hand col-  
3           umn of table II of section 563.7 of title 49,  
4           Code of Federal Regulations, as such section is  
5           in effect on the date of the enactment of this  
6           section.

7           “(J) Such other data as the Secretary con-  
8           siders appropriate, including any data element  
9           in the event data recorder standards issued by  
10          the Institute of Electrical and Electronics Engi-  
11          neers or the Society of Automotive Engineers.

12          “(3) LENGTH OF RECORDING TIME.—The event  
13          data recorder required under subsection (a)(1) shall  
14          record data related to a crash event for a period of  
15          not less than 60 seconds before time zero and 15  
16          seconds after time zero. For purposes of the pre-  
17          ceding sentence, the term ‘time zero’ has the mean-  
18          ing given such term in section 563.5(b) of title 49,  
19          Code of Federal Regulations, as such section is in  
20          effect on the date of the enactment of this section.

21          “(4) TAMPER RESISTANCE.—The event data re-  
22          corder required under subsection (a)(1) shall have  
23          such safeguards as the Secretary considers appro-  
24          priate to prevent alteration of the data recorded.

1           “(5) COMPATIBILITY WITH UNIVERSAL DATA  
2       RETRIEVAL METHOD.—The event data recorder re-  
3       quired under subsection (a)(1) shall permit the data  
4       recorded by such recorder to be retrieved using the  
5       universal data retrieval method established under  
6       subsection (a)(2). The Secretary shall specify any  
7       data format requirements the Secretary considers  
8       appropriate to facilitate the establishment of such  
9       universal data retrieval method.

10       “(c) UNIVERSAL DATA RETRIEVAL METHOD.—The  
11       universal data retrieval method required under subsection  
12       (a)(2) shall be a single method by which the recorded data  
13       in an event data recorder on any motor vehicle to which  
14       this section applies, regardless of manufacturer or model,  
15       may be removed from such event data recorder and put  
16       into readable form. For purposes of the preceding sen-  
17       tence, data are in readable form if they conform to any  
18       data format requirements established by the Secretary and  
19       can be used to analyze the safety performance of a vehicle  
20       using commercially available equipment.

21       “(d) DATA COLLECTION.—

22           “(1) PROCESS FOR RECEIVING DATA.—

23           “(A) IN GENERAL.—The Secretary shall  
24       establish a process by which an individual or

1           entity may transmit to the Secretary data from  
2           an event data recorder.

3                   “(B) PERIODIC EVALUATIONS AND MODI-  
4           FICATIONS.—The Secretary shall conduct peri-  
5           odic evaluations of the process established  
6           under subparagraph (A) and make such modi-  
7           fications as the Secretary considers appropriate  
8           to ensure that the process is as effective and ef-  
9           ficient as possible.

10           “(2) EVENT DATA RECORDER DATABASE.—

11                   “(A) IN GENERAL.—The Secretary shall  
12           create a database for purposes of research and  
13           analysis that contains, in electronic format, all  
14           data available to the Secretary from event data  
15           recorders. Such database shall not include any  
16           data that were not obtained from an event data  
17           recorder, except for such data from other  
18           sources as the Secretary considers—

19                           “(i) relevant to performing research  
20                           and analysis using data from event data  
21                           recorders, including police accident reports  
22                           and other similar official information re-  
23                           garding the conditions and circumstances  
24                           under which the data were collected; or



1                   “(ii) necessary to operate the event  
2 data recorder database.

3                   “(B) AVAILABILITY TO PUBLIC.—

4                   “(i) IN GENERAL.—Except as pro-  
5 vided in clause (ii), the data in the data-  
6 base required by subparagraph (A) shall be  
7 available to the public.

8                   “(ii) PERSONALLY IDENTIFIABLE IN-  
9 FORMATION.—The Secretary shall ensure  
10 that the data made available to the public  
11 under clause (i) do not contain any infor-  
12 mation that could be used to identify an  
13 owner, lessee, or occupant of a vehicle from  
14 whose event data recorder such data were  
15 obtained, including the full vehicle identi-  
16 fication number of the vehicle, the name,  
17 mailing address, email address, or tele-  
18 phone number of an owner, lessee, or occu-  
19 pant, and any other information that is  
20 prohibited by law from disclosure or that  
21 the Secretary determines should be with-  
22 held to protect individual privacy.

23                   “(e) EVENT DATA RECORDER DEFINED.—For pur-  
24 poses of this section, the term ‘event data recorder’ has

1 the meaning given such term in section 563.5(b) of title  
2 49, Code of Federal Regulations.

3 **“§ 30130. Readability of data in event data recorders**  
4 **prior to model year 2012**

5 “(a) IN GENERAL.—Not later than 90 days after the  
6 date of the enactment of this section, the Secretary of  
7 Transportation shall promulgate a rule that requires each  
8 motor vehicle manufacturer to ensure that the data re-  
9 corded by an event data recorder in a vehicle of a model  
10 year prior to model year 2012 that is manufactured by  
11 such manufacturer are capable of being read by the Na-  
12 tional Highway Traffic Safety Administration. Such rule  
13 shall apply to a vehicle manufactured prior to the effective  
14 date of such rule if such vehicle is equipped with an event  
15 data recorder but shall not require any vehicle, regardless  
16 of the date of manufacture, to be equipped with an event  
17 data recorder.

18 “(b) DATA CAPABLE OF BEING READ BY NHTSA.—  
19 For purposes of subsection (a), data in a motor vehicle’s  
20 event data recorder are capable of being read by the Na-  
21 tional Highway Traffic Safety Administration if a rep-  
22 resentative of the Administration who has physical access  
23 to the vehicle can, through the use of computer hardware  
24 and software, whether provided by the manufacturer of  
25 such vehicle or otherwise, gain access to such data in a

1 format that allows the Administration to analyze the safe-  
2 ty performance of such vehicle.

3 “(c) EVENT DATA RECORDER DEFINED.—For pur-  
4 poses of this section, the term ‘event data recorder’ has  
5 the meaning given such term in section 563.5(b) of title  
6 49, Code of Federal Regulations.

7 “(d) EFFECTIVE DATE OF RULE.—The rule promul-  
8 gated under subsection (a) shall take effect not later than  
9 30 days after the date on which such rule is promulgated.

10 **“§ 30131. Privacy of data in event data recorders**

11 “(a) OWNERSHIP OF DATA.—The data stored in an  
12 event data recorder described in section 30129(a) or  
13 30130(a) are the property of the owner or lessee of the  
14 motor vehicle in which such event data recorder is in-  
15 stalled.

16 “(b) ACCESS TO DATA.—The data stored in an event  
17 data recorder described in section 30129(a) or 30130(a)  
18 may not be accessed by any person other than the owner  
19 or lessee of the motor vehicle in which such event data  
20 recorder is installed, unless—

21 “(1) a court authorizes retrieval of the data in  
22 furtherance of a legal proceeding;

23 “(2) the owner or lessee of such motor vehicle  
24 consents to the retrieval of the data for any purpose,

1 including to diagnose, service, or repair such motor  
2 vehicle; or

3 “(3) the data are retrieved by a government  
4 motor vehicle safety agency for the purpose of im-  
5 proving motor vehicle safety and the personally iden-  
6 tifiable information of any owner, lessee, or occupant  
7 of such motor vehicle, including the vehicle identi-  
8 fication number of such motor vehicle, is not publicly  
9 disclosed in connection with the data.”.

10 (b) CLERICAL AMENDMENT.—The table of sections  
11 at the beginning of such chapter is amended by inserting  
12 after the item relating to section 30128 the following new  
13 items:

30129. Event data recorders required for model year 2012 or later.  
30130. Readability of data in event data recorders prior to model year 2012.  
30131. Privacy of data in event data recorders.

14 **SEC. 4. REPORT ON FEASIBILITY OF AUTOMATIC TRANS-**  
15 **MISSION OF EDR DATA.**

16 (a) IN GENERAL.—Not later than 180 days after the  
17 date of the enactment of this Act, the Secretary of Trans-  
18 portation shall submit to Congress a report on the feasi-  
19 bility of requiring that, after the involvement in a crash  
20 event of a motor vehicle equipped with an event data re-  
21 corder under section 30129(a) of title 49, United States  
22 Code, such event data recorder automatically transmit to  
23 the Secretary, in electronic form, the data recorded with  
24 respect to the crash event.

1 (b) CONTENTS OF REPORT.—The report required by  
2 subsection (a) shall include—

3 (1) an analysis, with respect to the time when  
4 such analysis is conducted, of systems and capabili-  
5 ties for automatic electronic transmission of event  
6 data recorder data in the event of a crash and the  
7 extent to which it is the practice of motor vehicle  
8 manufacturers to collect such data;

9 (2) an analysis of any benefits, whether mone-  
10 tary or nonmonetary, of maintaining a database con-  
11 taining the data that would be automatically trans-  
12 mitted to the Secretary under the requirement de-  
13 scribed in subsection (a);

14 (3) an analysis of the cost to motor vehicle  
15 manufacturers of complying with such requirement  
16 as compared to the cost of requiring the submission  
17 of the same information by means other than auto-  
18 matic electronic transmission;

19 (4) the Secretary's recommendation of a rea-  
20 sonable timeline for manufacturers to comply with  
21 the requirement described in subsection (a); and

22 (5) an analysis of any privacy issues posed by  
23 such requirement and recommendations for how they  
24 might be addressed or eliminated.